

IN THE COURT OF COMMON PLEAS
CUYAHOGA COUNTY, OHIO

FILED

2024 JUN -1 P 12: 25

CLERK OF COURTS
CUYAHOGA COUNTY

JENNIFER LYNN WELZ
ADMINISTRATOR of the ESTATE of
DENNIS LEE WELZ JR.
DECEASED
174 East 204th Street
Euclid, Ohio 44123

Plaintiff

vs.

HYATT HOTELS CORPORATION
c/o its Statutory Agent
Corporation Service Company
3366 Riverside Drive Suite 103
Upper Arlington, Ohio 43221

and

APPLE LEISURE GROUP
7 Campus Blvd.
Newton Square, PA 19073

and

AMSTAR DMC
7 Campus Blvd.
Newton Square, PA 19073

and

ALG VACATIONS CORP.
c/o its Statutory Agent
Cogency Global, Inc.
3958-D Brown Park Drive
Hilliard, Ohio 43026

and

UNITED VACATIONS
8969 N, Port Washington Road
Milwaukee, WI 53217

CASE NO:

JUDGE:

COMPLAINT

Jury Demand Endorsed Hereon

Complaint

DAVID T MATIA
CV 24 998539



and
JOHN DOES NOS. 1 THROUGH 10
Defendants

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)
)
)
)
)

NOW COMES Plaintiff, Jennifer Lynn Welz, being duly appointed, qualified and acting as Administrator of the Estate of Dennis Lee Welz, Jr. Deceased, under, and by virtue of "Letters of Authority" granted to her by the Cuyahoga County Probate Court in Case No. 2022 EST 273086. The Decedent left wife, surviving children and next of kin.

PARTIES

1. The Plaintiff, brings this action under Ohio Revised Code Section 2125 for the exclusive benefit of the next of kin and spouse of Plaintiff's Decedent.
2. At all times relevant herein, Plaintiff and Decedent were residents of Cuyahoga County, Ohio.
3. At all times relevant herein, ALG Vacation Corp. was, and remains, a for-profit corporation, or other business entity, organized and existing under the laws of the State of Pennsylvania and was licensed to conduct business, and was conducting business, in the State of Ohio and in Cuyahoga County.
4. At all times relevant herein, United Vacations was, and remains, a for-profit corporation, or other business entity, organized and existing under the laws of the State of Wisconsin and was licensed to conduct business, and was conducting business, in the State of Ohio and in Cuyahoga County.
5. At all times relevant herein, United Vacations was operated, controlled, or owned by ALG Vacations Corp.

6. At all times relevant herein, Apple Leisure Group was, and remains, a for-profit corporation, or other business entity, organized under the laws of the State of Pennsylvania and was licensed to conduct business, and was conducting business in the State of Ohio and in Cuyahoga County.
7. At all times relevant herein, Amstar DMC was, and remains, a for-profit corporation, or other business entity, organized under the laws of the State of Pennsylvania and was licensed to conduct business, and was conducting business in, the State of Ohio and in Cuyahoga County.
8. At all times relevant herein, Amstar DMC was operated, controlled, or owned by Apple Leisure Group.
9. At all times relevant herein, Hyatt Hotels Corporation was, and remains, a for-profit corporation, or other business entity, organized under the laws of the State of Delaware and was licensed to conduct business, and was conducting business in the State of Ohio and in Cuyahoga County.
10. At all times relevant herein, Hyatt Hotels Corporation owned, and/or operated, and/or controlled: Amstar DMC, Apple Leisure Group, ALG Vacations Corp, United Vacations, and Defendants John Doe 1 through 10.
11. At all times relevant herein, Defendants John Doe 1 through 10 are corporations, limited liability companies, partnerships, business entities, or individuals whose exact names, addresses and identities are presently unknown and could not be discovered with reasonable and due diligence prior to the filing of this Complaint. Plaintiff alleges and asserts that Defendants John Doe 1 through 10 are liable to Plaintiff directly or vicariously as persons or entities that owed a duty to Plaintiff's

Decedent and breached that duty, resulting in the Plaintiff's injuries, damages and wrongful death set forth herein. Plaintiff will seek leave to amend this Complaint to specifically name and identify these John Does 1 through 10 once their exact names, addresses and identities are discovered, known, and identified.

12. At all times relevant herein, Defendants, or any of them, were responsible for the operation, management, supply, maintenance, possession, inspection, hiring, training, and control of catamaran cruises styled "Dreamer" provided to Plaintiff's Decedent by Amstar DMC at the Hotel Riu Reggae resort, Montego Bay, Jamaica, through employees, agents, servants, assigns or officers of Defendants acting within the course and scope of their authority.

COUNT ONE

13. Plaintiff incorporates the allegations contained in paragraphs 1 through 12 as if fully rewritten herein.
14. At all times relevant herein, Plaintiff's Decedent was a business invitee of Defendants.
15. On or about November 16, 2021, Plaintiff and Plaintiff's Decedent, from their home in Cuyahoga County, Ohio, called the United Vacations representative office in Elyria, Ohio and entered into an agreement for, and purchased, a vacation package to the Hotel Riu Reggae resort located in Montego Bay, Jamaica with a June 8, 2022 arrival date at the Hotel Riu Reggae. At the time of agreement and purchase set forth in this paragraph, United Vacations promoted to Plaintiff, and Plaintiff's Decedent, excursion packages available for the vacation package at Hotel Riu Reggae Montego Bay.
16. After arrival at the Hotel Riu Reggae, and sometime between the dates of June 8, 2022 and June 9, 2022, Plaintiff and Plaintiff's Decedent were approached by an

Amstar DMC employee, agent, or representative in the common areas of the Hotel Riu Reggae and were sold a June 10, 2022 excursion that included 1) sailing on a "Dreamer" catamaran from Montego Bay to Negril, Jamaica, 2) snorkeling from the Dreamer catamaran at Negril, followed by a 3) dinner at Rick's Café in Negril, Jamaica and 4) a return bus ride to the Hotel Riu Reggae.

17. During the Dreamer cruise of June 10, 2022 described above, Defendants, through their employees, and/or agents, and/servants, and/or assigns, negligently, and/or recklessly, and/or wantonly, and/or willfully breached the duty of care owed to Plaintiff's Decedent by:

- (a) failing to hire, train, supervise, and/or manage their employees, agents, servants and assigns in the proper and safe manner of conducting an excursion that included snorkeling,
- (b) failing to provide appropriate and safe snorkeling equipment to Plaintiff's Decedent.
- (c) failing to instruct business invitees, including Plaintiff's Decedent, in the proper use of snorkeling and flotation equipment.
- (d) failing to instruct, control, and insure that their employees, and/or agents, and/servants, and/or assigns conducted their duties safely, including, but not limited to (1) supervision and monitoring of snorkeling business invitees, including Plaintiff's Decedent; and (2) prohibition of employee, and/or agent, and/or servant, and/or assign consumption of alcoholic beverages during excursions with business invitees, including Plaintiff's Decedent.

(e) failing to timely and effectively respond to the concerns, pleas, and entreaties of the family, friends, and other business invitees on the Dreamer excursion at issue in this matter, as to the safety and condition of Plaintiff's Decedent while he was snorkeling.

18. As a direct and proximate result of negligent, and/or reckless, and/or willful, and/or wanton acts and omissions of the Defendants set forth above, individually and/or by and through their employees, agents, and/or servants, the Plaintiff's Decedent, Dennis Lee Welz Jr., experienced conscious pain and suffering and permanent injuries on June 10, 2022.
19. As a direct and proximate result of the acts and omissions of the Defendants set forth above. Plaintiff's Decedent, Dennis Lee Welz Jr., died by drowning on June 10, 2022.
20. As a further direct and proximate result of the acts of the Defendants set forth above, funeral, and burial expenses have been incurred.
21. As a further direct and proximate result of the acts and omissions set forth above, Plaintiff's Decedent, spouse and next of suffered and will continue to suffer, mental anguish, loss of services, loss of society, including loss of companionship, care, assistance, attention, protection, advice, guidance, counsel, and other such damages set forth in Ohio Revised Code Section 2125.

WHEREFORE, the Plaintiff, Jennifer Lynn Welz, Administrator of the Estate of Dennis Lee Welz, Jr., prays for judgment against all of the Defendants, jointly and severally, on behalf of the next of kin, 1) for the wrongful death of Plaintiff's Decedent, 2) for the conscious pain and suffering of Plaintiff's Decedent, and 3) all injuries, losses and

damages suffered by Plaintiff's Decedent, spouse and next of kin; all in an amount in excess of Twenty-Five Thousand Dollars (\$25,000.00), that will fully, fairly and reasonably compensate Plaintiff for the aforesaid injuries, losses and damages plus interest, costs, and such other and further relief as to which Plaintiff is entitled at law or in equity.

Respectfully submitted,

/s/Georg I. Abakumov

GEORG I. ABAKUMOV (0034781)

Attorney for Plaintiff

Law Offices of Georg Abakumov LLC

14435 Hunting Hills Drive

Novelty, Ohio 44072

216.319.3000 (TEL)_ 888.570.9227 (FAX)

georg.abakumov@gmail.com

JURY DEMAND ENDORSED HEREON

A trial by jury of the maximum number of jurors allowed by law is hereby demanded for this Complaint.

/s/Georg I. Abakumov

Georg I. Abakumov (0034781)

Attorney for Plaintiff



Common Pleas Court of Cuyahoga County, Ohio

Judge: DAVID T MATIA

CV 24 998539

FILED

DESIGNATION FORM TO BE USED TO INDICATE THE CLASSIFICATION OF THE CAUSE

Jennifer Lynn Wetz, Administrator of the Estate of Dennis Lee Wetz Jr., Deceased

Plaintiff

Vs.

Hyatt Hotels Corporation et al

Defendant

CLERK OF COURTS
CUYAHOGA COUNTY

Case Number: _____

Date: _____

Has this case been previously filed and dismissed? Yes ☐ No ☒

Case #: _____ Judge: _____

Is this case related to any new cases now pending or previously filed? Yes ☐ No ☐

Case #: _____ Judge: _____

CIVIL CLASSIFICATIONS: Place an (X) in ONE Classification Only.**Professional Torts:**

- ☐ 1311 Medical Malpractice
☐ 1315 Dental Malpractice
☐ 1316 Optometric Malpractice
☐ 1317 Chiropractic Malpractice
☐ 1312 Legal Malpractice
☐ 1313 Other Malpractice

Product Liability:

- ☐ 1330 Product Liability

Other Torts:

- ☐ 1310 Motor Vehicle Accident
☐ 1314 Consumer Action
☒ 1350 Misc. Tort

Workers Compensation:

- ☐ 1550 Workers Compensation
☐ 1531 Workers Comp. Asbestos

Foreclosures:

- ☐ Utilize Separate Foreclosure Designation Form

Commercial Docket:

- ☐ 1386 Commercial Docket
☐ 1387 Commercial Docket with Foreclosure

Administrative Appeals:

- ☐ 1540 Employment Services
☐ 1551 Other

Other Civil:

- ☐ 1500 Replevin/Attachment
☐ 1382 Business Contract
☐ 1384 Real Estate Contract
☐ 1388 Consumer Debt
☐ 1390 Cognovit
☐ 1391 Other Contracts
☐ 1490 Foreign Judgment
☐ 1491 Stalking Civil Protection Order
☐ 1501 Misc. Other
☐ 1502 Petition to Contest Adam Walsh Act
☐ 1503 Certificate of Qualification for Employment

Amount of Controversy:

- ☐ None Stated
☐ Less than \$25,000
☒ Prayer Amount \$25000.00

Parties have previously attempted one of the following prior to filing:

- ☐ Arbitration
☐ Early Neutral Evaluation
☐ Mediation
☒ None

I certify that to the best of my knowledge the within case is not related to any now pending or previously filed, except as noted above.

Law Offices of Georg Abakumov LLC

Firm Name (Print or type)

14435 Hunting Hills Drive

Address

Novelty, Ohio 44072

Address

216-319-3000

Phone

Georg I. Abakumov

Attorney of Record (Print or Type)

0034781

Supreme Court #

georg.abakumov@gmail.com

Email Address

/a/Georg I. Abakumov

Signature

**THE COURT OF COMMON PLEAS, CIVIL DIVISION
CUYAHOGA COUNTY, OHIO**

Clerk of Courts | The Justice Center | 1200 Ontario Street 1st Floor, Cleveland, Ohio 44113

JENNIFER LYNN WELZ, ADMINISTRATOR OF
THE ESTATE
Plaintiff

CASE NO. CV24998539

JUDGE DAVID T MATIA

v.

HYATT HOTELS CORPORATION, ET AL
Defendant

SUMMONS

SUMC CM

Notice ID: 54019184



From: JENNIFER LYNN WELZ, ADMINISTRATOR OF P1
THE ESTATE OF DENNIS LEE WELZ
174 EAST 204TH STREET
EUCLID OH 44123-0000

Atty.: GEORG ABAKUMOV

14435 HUNTING HILLS DRIVE
NOVELTY, OH 44072-0000

To: HYATT HOTELS CORPORATION D1
C/O CORPORATION SERVICE COMPANY,
STATUTORY AGENT
3366 RIVERSIDE DRIVE, SUITE 103
UPPER ARLINGTON OH 43221-0000

NOTICE TO THE DEFENDANT:

The Plaintiff has filed a lawsuit against you in this Court. You are named as a defendant. A copy of the **Complaint** is attached.

If you wish to respond to the Complaint, you must deliver a written **Answer** to the Plaintiff's attorney (or the Plaintiff if not represented by an attorney) at the above address *within 28 days* after receiving this Summons (not counting the day you received it). A letter or a phone call will not protect you. Civil Rule 5 explains the ways that you may deliver the **Answer** (<http://www.supremecourt.ohio.gov/LegalResources/Rules/civil/CivilProcedure.pdf>)

You must also file a copy of your **Answer** with this Court within 3 days *after* you serve it on the Plaintiff. You can file your **Answer** with the Clerk of Courts by one of the following methods: 1) In-person or by mail at the above address or 2) electronically through the online e-Filing system. For more information on using the e-Filing system, visit <http://coc.cuyahogacounty.us/en-US/efiling.aspx>.

If you fail to serve *and* file your **Answer**, you will lose valuable rights. The Court will decide the case in favor of the Plaintiff and grant the relief requested in the **Complaint** by entering a default judgment against you.

You may wish to hire an attorney to represent you. Because this is a civil lawsuit, the Court cannot appoint an attorney for you. If you need help finding a lawyer, contact a local bar association and request assistance.



Nailah K. Byrd
Clerk of Court of Common Pleas
216-443-7950

Date Sent: 06/10/2024

By _____

Deputy



Date Produced: 06/17/2024

CERTIFIED MAIL SOLUTIONS INC.:

The following is the delivery information for Certified Mail™/RRE item number 9314 8001 1300 3550 0156 87. Our records indicate that this item was delivered on 06/14/2024 at 06:51 a.m. in COLUMBUS, OH 43221. The scanned image of the recipient information is provided below.

Signature of Recipient :

Signature	X	<i>William Propp</i>
Printed Name		William Propp

Address of Recipient :

Delivery Address		3366 Riverside St 103
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Thank you for selecting the Postal Service for your mailing needs. If you require additional assistance, please contact your local post office or Postal Service representative.

Sincerely,
United States Postal Service

The customer reference number shown below is not validated or endorsed by the United States Postal Service. It is solely for customer use.

**THE COURT OF COMMON PLEAS, CIVIL DIVISION
CUYAHOGA COUNTY, OHIO**

Clerk of Courts | The Justice Center | 1200 Ontario Street 1st Floor, Cleveland, Ohio 44113

JENNIFER LYNN WELZ, ADMINISTRATOR OF
THE ESTATE
Plaintiff

CASE NO. CV24998539

JUDGE DAVID T MATIA

V.

HYATT HOTELS CORPORATION, ET AL
Defendant

SUMMONS

SUMC CM

Notice ID: 54019185



From: JENNIFER LYNN WELZ, ADMINISTRATOR OF P1
THE ESTATE OF DENNIS LEE WELZ
174 EAST 204TH STREET
EUCLID OH 44123-0000

Atty.: GEORG ABAKUMOV

14435 HUNTING HILLS DRIVE
NOVELTY, OH 44072-0000

To: APPLE LEISURE GROUP D2
7 CAMPUS BLVD.
NEWTOWN SQUARE PA 19073-0000

NOTICE TO THE DEFENDANT:

The Plaintiff has filed a lawsuit against you in this Court. You are named as a defendant. A copy of the **Complaint** is attached.

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Nailah K. Byrd
Clerk of Court of Common Pleas
216-443-7950

Date Sent: 06/10/2024

By _____

Alfred F. [Signature]
Deputy

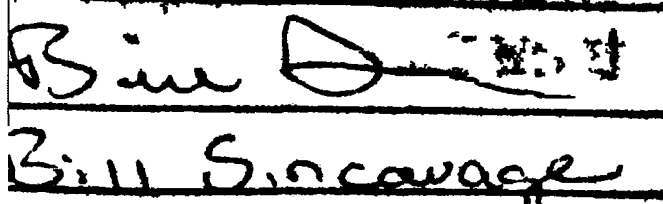


Date Produced: 06/17/2024

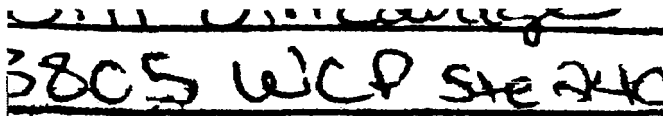
CERTIFIED MAIL SOLUTIONS INC.:

The following is the delivery information for Certified Mail™/RRE item number 9314 8001 1300 3550 0156 94. Our records indicate that this item was delivered on 06/15/2024 at 08:56 a.m. in NEWTOWN SQUARE, PA 19073. The scanned image of the recipient information is provided below.

Signature of Recipient :

The image shows a handwritten signature on a lined background. The signature appears to be "Bill Sincavage".

Address of Recipient :

The image shows a handwritten address on a lined background. The address is "3805 WCP Ste 240".

Thank you for selecting the Postal Service for your mailing needs. If you require additional assistance, please contact your local post office or Postal Service representative.

Sincerely,
United States Postal Service

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**THE COURT OF COMMON PLEAS, CIVIL DIVISION
CUYAHOGA COUNTY, OHIO**

Clerk of Courts | The Justice Center | 1200 Ontario Street 1st Floor, Cleveland, Ohio 44113

JENNIFER LYNN WELZ, ADMINISTRATOR OF
THE ESTATE
Plaintiff

CASE NO. CV24998539

JUDGE DAVID T MATIA

v.

HYATT HOTELS CORPORATION, ET AL
Defendant

SUMMONS

SUMC CM

Notice ID: 54019186



From: JENNIFER LYNN WELZ, ADMINISTRATOR OF P1
THE ESTATE OF DENNIS LEE WELZ
174 EAST 204TH STREET
EUCLID OH 44123-0000

Atty.: GEORG ABAKUMOV

14435 HUNTING HILLS DRIVE
NOVELTY, OH 44072-0000

To: AMSTAR DMC D3
7 CAMPUS BLVD.
NEWTOWN SQUARE PA 19073-0000

NOTICE TO THE DEFENDANT:

The Plaintiff has filed a lawsuit against you in this Court. You are named as a defendant. A copy of the **Complaint** is attached.

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You may wish to hire an attorney to represent you. Because this is a civil lawsuit, the Court cannot appoint an attorney for you. If you need help finding a lawyer, contact a local bar association and request assistance.



Nailah K. Byrd
Clerk of Court of Common Pleas
216-443-7950

Date Sent: 06/10/2024

By _____

Alfred F. [Signature]
Deputy

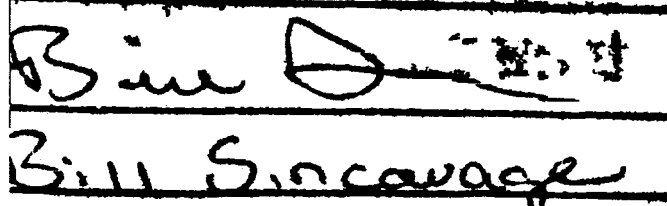


Date Produced: 06/17/2024

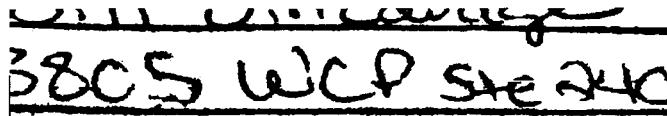
CERTIFIED MAIL SOLUTIONS INC.:

The following is the delivery information for Certified Mail™/RRE item number 9314 8001 1300 3550 0157 00. Our records indicate that this item was delivered on 06/15/2024 at 08:56 a.m. in NEWTOWN SQUARE, PA 19073. The scanned image of the recipient information is provided below.

Signature of Recipient :

A handwritten signature in black ink, appearing to read "Bill Sincavage", written over two horizontal lines.

Address of Recipient :

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Sincerely,
United States Postal Service

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**THE COURT OF COMMON PLEAS, CIVIL DIVISION
CUYAHOGA COUNTY, OHIO**

Clerk of Courts | The Justice Center | 1200 Ontario Street 1st Floor, Cleveland, Ohio 44113

JENNIFER LYNN WELZ, ADMINISTRATOR OF
THE ESTATE
Plaintiff

CASE NO. CV24998539

JUDGE DAVID T MATIA

v.

HYATT HOTELS CORPORATION, ET AL
Defendant

SUMMONS SUMC CM

Notice ID: 54019187



From: JENNIFER LYNN WELZ, ADMINISTRATOR OF P1
THE ESTATE OF DENNIS LEE WELZ
174 EAST 204TH STREET
EUCLID OH 44123-0000

Atty.: GEORG ABAKUMOV

14435 HUNTING HILLS DRIVE
NOVELTY, OH 44072-0000

To: ALG VACATIONS CORP. D4
COGENCY GLOBAL, INC., STAT. AGENT
3958-D BROWN PARK DRIVE
HILLIARD OH 43026-0000

NOTICE TO THE DEFENDANT:

The Plaintiff has filed a lawsuit against you in this Court. You are named as a defendant. A copy of the **Complaint** is attached.

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Nailah K. Byrd
Clerk of Court of Common Pleas
216-443-7950

Date Sent: 06/10/2024

By _____

Deputy
Deputy

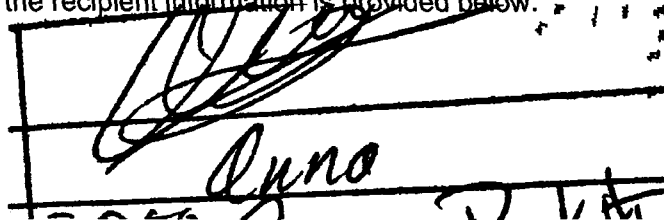


Date Produced: 06/17/2024

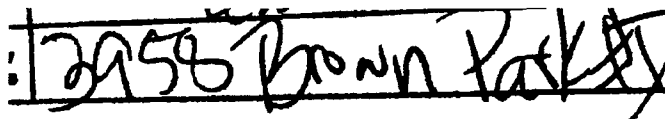
CERTIFIED MAIL SOLUTIONS INC.:

The following is the delivery information for Certified Mail™/RRE item number 9314 8001 1300 3550 0157 24. Our records indicate that this item was delivered on 06/14/2024 at 09:37 a.m. in HILLIARD, OH 43026. The scanned image of the recipient information is provided below.

Signature of Recipient :

A handwritten signature, appearing to be "Dyno", written in black ink over a grid of lines.

Address of Recipient :

A handwritten address, "3958 Brown Park Dr", written in black ink over a grid of lines.

Thank you for selecting the Postal Service for your mailing needs. If you require additional assistance, please contact your local post office or Postal Service representative.

Sincerely,
United States Postal Service

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**THE COURT OF COMMON PLEAS, CIVIL DIVISION
CUYAHOGA COUNTY, OHIO**

Clerk of Courts | The Justice Center | 1200 Ontario Street 1st Floor, Cleveland, Ohio 44113

JENNIFER LYNN WELZ, ADMINISTRATOR OF
THE ESTATE
Plaintiff

CASE NO. CV24998539

JUDGE DAVID T MATIA

V.

HYATT HOTELS CORPORATION, ET AL
Defendant

SUMMONS

SUMC CM

Notice ID: 54019188



From: JENNIFER LYNN WELZ, ADMINISTRATOR OF P1
THE ESTATE OF DENNIS LEE WELZ
174 EAST 204TH STREET
EUCLID OH 44123-0000

Atty.: GEORG ABAKUMOV

14435 HUNTING HILLS DRIVE
NOVELTY, OH 44072-0000

To: UNITED VACATIONS D5
8969 N. PORT WASHINGTON ROAD
MILWAUKEE WI 53217-0000

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Nailah K. Byrd
Clerk of Court of Common Pleas
216-443-7950

Date Sent: 06/10/2024

By _____

Deputy
Deputy



Date Produced: 06/24/2024

CERTIFIED MAIL SOLUTIONS INC.:

The following is the delivery information for Certified Mail™/RRE item number 9314 8001 1300 3550 0157 48. Our records indicate that this item was delivered on 06/17/2024 at 10:31 a.m. in MILWAUKEE, WI 53217. The scanned image of the recipient information is provided below.

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**IN THE COURT OF COMMON PLEAS
CUYAHOGA COUNTY, OHIO**

JENNIFER LYNN WELZ,
ADMINISTRATOR OF THE ESTATE OF
DENNIS LEE WELZ, JR., DECEASED,

Plaintiff,

v.

HYATT HOTELS CORPORATION, et al.,

Defendants.

CASE NO.: CV 24-998539

JUDGE DAVID T. MATIA

**NOTICE OF APPEARANCE OF
COUNSEL**

Now come Theresa A. Edwards, Esq. and Thomas P. Mannion, Esq. of the law firm Lewis Brisbois Bisgaard and Smith, LLP located at 1375 E. Ninth Street, Suite 2250, Cleveland, OH 44114 and hereby enter their appearance as counsel of record for Defendants Hyatt Hotels Corporation, Apple Leisure Group, Amstar DMC, ALG Vacations Corp., and United Vacations. All pleadings, notices and correspondence should be directed to the undersigned.

Respectfully Submitted,

/s/Theresa A. Edwards

Theresa A. Edwards (0090971)

Thomas P. Mannion (0062551)

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Tom.Mannion@lewisbrisbois.com

Counsel for Defendants

CERTIFICATE OF SERVICE

I hereby certify on this 11th day of July, 2024, a true and correct copy of the foregoing has been electronically filed using the CM/ECF System, and to all parties by operation of the Court's electronic filing system.

/s/Theresa A. Edwards

Theresa A. Edwards (0090971)

Thomas P. Mannion (0062551)

LEWIS BRISBOIS BISGAARD & SMITH LLP

Counsel for Defendants